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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,128	06/18/2001	Lance F Cohen	4634/0J079	4284

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EXAMINER
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LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,128

Applicant(s)

COHEN, LANCE F

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/06-18-2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2, 3, 5, 6, and 10-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 2, 3, 5, 6, and 10-14 it states that the azimuth and elevation of the video camera are **electronically controllable through voice instructions** transmitted from the first audio communication device, however there are no mentions in the specification to the video camera being electronically controllable by using voice instructions from the first audio communication device (see specification page 2, lines 14-16; page 5, lines 1-7; page 6, lines 4-6).

In claims 2, 3, 5, 6, 13, and 14 its claiming that the video camera is electronically controllable through voice instructions transmitted from the first audio communication device and that there is also a one way communication link from the first audio communication device to the second control device, wherein the second control device includes a headset having a loudspeaker. However, there is no support in the specification for the video camera to comprise **both**

Art Unit: 2615

features (see specification page 2, lines 14-16; page 5, lines 1-7; page 6, lines 4-6).

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Drawings***

1. The drawings are objected to because in Figs. 1 and 2 proper symbols or legends must be provided for all blocks, according to 37 CFR 1.84 N,O.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 5 and 6 recite the limitation "second control device" in line 3 and line 2, respectively. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination "second control device" is interpreted as being the "second audio communication device" as recited in claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cable (GB 2 256 771) in view of Washino et al. (U.S. Patent 5,625, 410).

Regarding claim 1, Cable discloses in Fig. 4 a communication system comprising a video camera (23) connectable to a portable wireless transceiver (9, 10, 25) for transmitting a video signal from the video camera to a signal repeater (12), from which the video signal is transmitted over a telephony communication system to a second transceiver (5, 20, 29) arranged to receive the video signal and to display it on a display means (28) (page 8, line 6 – page 9, line 12). However,

Cable is lacking the teachings of a first audio communication device connectable to the second transceiver for transmitting a control signal over the telephony communication system to the signal repeater and from the signal repeater to the portable wireless transceiver and to a second audio communication device connected to the portable transceiver.

Referring to the Washino et al. reference, Washino et al. discloses in Fig. 11 a communication system wherein there is a first audio communication device (230) connected to the base station which allows a voice signal to be sent to the second audio communication device located at a remote location (Location 1) (col. 9, lines 1-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Washino et al. with the communication system as disclosed by Cable in order to include first and second audio communication devices connected to the first and second transceivers, respectively, so that the base station would be able to communicate with a remote location.

Regarding claim 7, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 7 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding claim 15, Washino et al. discloses in Fig. 11 a communication system in which the audio communication devices provide at least a one-way communication link from the first audio communication

Art Unit: 2615

device (230) to the second audio communication device (col. 9, lines 1-19 and 42-47).

Regarding claim **16**, Washino et al. discloses in Fig. 11 a communication system in which at least the second audio communication device includes a headset having a loudspeaker (headset at location 1).

5. Claims 2, 3, 5, 6, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cable in view of Washino et al. as applied to claim 1 above, and further in view of Salazar et al. (U.S. Patent 5,774,841).

Regarding claim **2**, Cable in view of Washino et al. differs from claim 2 in that claim 2 further requires the video camera to comprise a video camera that is electronically controllable through voice instructions transmitted from the first audio communication device.

Referring to the Salazar et al. reference, Salazar et al. discloses a communication system in which the video camera is electronically controllable through voice instructions transmitted from the first audio communication device (20) (col. 12, lines 5-27). The first audio communication device sends voice commands to the video camera in order to change the view of the camera.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Salazar et al. with Cable in view of Washino et al. because it is well known in the art to electronically control a video camera through voice instructions. This allows the apparatus to be more diverse by enabling the

Art Unit: 2615

video camera to be controlled from a remote location in case another operator is not available to monitor the video camera.

Regarding claim **3**, Salazar et al. discloses a communication system in which azimuth and elevation of the video camera are electronically controllable through voice instructions transmitted from the first audio communication device (20) (col. 12, lines 5-27).

Regarding claim **5**, Washino et al. discloses in Fig. 11 a communication system in which the audio communication devices provide at least a one-way communication link from the first audio communication device (230) to the second control device (col. 9, lines 1-19 and 42-47).

Regarding claim **6**, Washino et al. discloses in Fig. 11 a communication system in which at least the second control device includes a headset having a loudspeaker (headset at location 1).

Regarding claims **10**, **11**, and **12**, grounds for rejecting claims 2, 5, and 6 apply for claim 10, 11, and 12, respectively in their entirety.

Regarding claims **13** and **14**, grounds for rejecting claims 5 and 6 apply for claim 13 and 14, respectively in their entirety.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ziegra et al. (U.S. Patent 5,619,183) discloses an operator at a station at a local site being coupled to an advisor at a station at a remote



Art Unit: 2615

site, so that the advisor may view and hear the same stimuli as the operator. The advisor and the operator may communicate as well as the advisor may view and control the local apparatus directly by means of a control signal or data signal feeds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL  
June 15, 2004



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